

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

This document pertains to:

*New Jersey Department of Environmental
Protection, et al. v. Atlantic Richfield Company, et
al.*, Case No. 08-CV-00312

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

**DECLARATION OF LISA A. GERSON IN SUPPORT OF DEFENDANTS'
MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS'
PUBLIC NUISANCE CLAIM FOR DAMAGES AND TRESPASS CLAIM**

LISA A. GERSON, an attorney duly licensed to practice law in the State of New York and in the United States District Court for the Southern District of New York, hereby declares the following under penalties of perjury:

1. I am an associate in the law firm McDermott Will & Emery LLP, counsel for defendant Exxon Mobil Corporation in the above-captioned case. I respectfully submit this Declaration in further support of *Defendants' Motion for Partial Summary Judgment on Plaintiffs' Public Nuisance Claim for Damages and Trespass Claim* (hereinafter "Motion") that is being filed concurrently herewith in the above-captioned case. This Declaration authenticates the exhibits attached and referenced in Defendants' Motion. In accordance with this Court's Individual Rules and Procedures, only the relevant pages of each exhibit are attached.

2. Attached at Exhibit 1 are true and correct copies of relevant pages from *Plaintiffs' Responses to Defendants' First Set of Interrogatories, Requests for Admissions and Requests for Production Directed to Plaintiffs Regarding Damages*, Nos. 10 & 12 (May 18, 2012).

3. Attached at Exhibit 2 are true and correct copies of relevant pages from the *Complaint* filed in *NJDEP v. Exxon Mobil Corp.*, No. UNN-L-3026-04 (Jan. 7, 2009).

4. Attached at Exhibit 3 is a true and correct copy of *New Jersey Dep't of Env't'l Prot., et al. v. Union Carbide Corp.*, No. MID-L-5632-07, *Opinion of Court* (N.J. Super. Mar. 29, 2011).

5. Attached at Exhibit 4 are true and correct copies of relevant pages from the *J. Costello Deposition Transcript*, at 19-20 (Aug. 2, 2011).

6. Attached at Exhibit 5 are true and correct copies of relevant pages from the *A. Singh Gill Deposition Transcript*, at 25-26 (July 21, 2011).

7. Attached at Exhibit 6 are true and correct copies of relevant pages from *the CMO #75 Declaration of Getty Petroleum Marketing Inc. and Lukoil Americas Corp.*, at 2 (Oct. 25, 2010).

8. Attached at Exhibit 7 are true and correct copies of relevant pages from *Defendant Exxon Mobil Corporation's Declaration in Response to CMO No. 75*, at 1-2 (Oct. 13, 2010).

9. Attached at Exhibit 8 are true and correct copies of relevant pages from the *Declaration of Shery W. Robey on Behalf of Sunoco, Inc. and Sunoco, Inc. (R&M) Pursuant to CMO-75*, at 1 (Oct. 13, 2010).

10. Attached at Exhibit 9 are true and correct copies of relevant pages from *Defendant Hess Corporation's Amended Declaration in Response to CMO No. 75*, at 1 (Feb. 9, 2011).

11. Attached at Exhibit 10 are true and correct copies of relevant pages from the *Cumberland Farms Inc. 30(b)(6) Deposition Transcript*, at 17, 23-24 (Oct. 19, 2012).

12. Attached at Exhibit 11 are true and correct copies of relevant pages from the *Declaration of S. Hardin for the Shell Defendants Pursuant to CMO 75*, at 1-2 (Sept. 14, 2012).

13. Attached at Exhibit 12 are true and correct copies of relevant pages from the *S. Logovinsky Deposition Transcript re: 5 Points BP Service Station*, at 20 (Jan. 25, 2012).

14. Attached at Exhibit 13 are true and correct copies of relevant pages from the *Response to CITGO Petroleum Corp.'s First Set of Interrogatories and Second Set of Requests for Production of Documents Served Upon Third Party Defendant Robert Melecci*, at 1 (Aug. 14, 2012).

15. Attached at Exhibit 14 are true and correct copies of relevant pages from *Plaintiffs' Objections and Responses to Defendants' First Amended Requests for Admission Related to the Borough of Tinton Falls Site*, No. 2 (Nov. 30, 2012).

16. Attached at Exhibit 15 are true and correct copies of relevant pages from *Plaintiffs' Objections and Responses to Defendants' Requests for Admission Related to Colts Neck Dep't of Public Works Garage Site*, No. 1 (Nov. 30, 2012).

17. Attached at Exhibit 16 are true and correct copies of relevant pages from *Plaintiffs' Objections and Responses to Defendants' Requests for Admission Related to the Camp Pedricktown Trial Site*, Nos. 11-12 (Nov. 30, 2012).

18. Attached at Exhibit 17 are true and correct copies of relevant pages from the *Remediation Agreement, In the Matter of the B.L. England Generating Station Site, Atlantic City Electronic company and RC Cape May Holdings, LLC*, at NJDEP-SITE407-035353 (Dec. 26, 2006).

19. Attached at Exhibit 18 are true and correct copies of relevant pages from the *Restoration Administrative Consent Order, In the Matter of the Scarborough/Pulte, Inc. Site*, at NJDEP-SITE514-002464 (Mar. 15, 2004).

20. Attached at Exhibit 19 are true and correct copies of relevant pages from the *Preliminary Assessment/Site Investigation and Remedial Action Report for Tamcrest Country Club*, at NJ-MTBE-DSSR-000-615629, 615643 (Apr. 5, 2001).

21. Attached at Exhibit 20 are true and correct copies of relevant pages from *Plaintiffs' Objections and Responses to Defendants' Requests for Admission and Request for Production of Documents Regarding Trial Site NJDEP Leonardo State Marina*, No. 4 (Nov. 30, 2012).

22. Attached at Exhibit 21 are true and correct copies of relevant pages from *Plaintiffs' Objections and Responses to Defendants' Requests for Admission Related to the Bayside State Prison Trial Site*, No. 2 (Nov. 30, 2012).

23. Attached at Exhibit 22 are true and correct copies of relevant pages from *Plaintiffs' Objections and Responses to Defendants' Requests for Admission Regarding the NJDOT W. Orange Maintenance Yard*, No. 6 (Nov. 30, 2012).

The attached copies were made at my direction on or about October 1, 2013.

Dated: October 1, 2013


LISA A. GERSON